

PATENT  
Docket No. 255.0004 0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sheridan et al. ) Group Art Unit: 1646  
Serial No.: 09/727,739 ) Examiner: R. Li  
Confirmation No.: 4181 )  
Filed: December 1, 2000 )  
For: SOMATOSTATINS AND METHODS

**\*\* UNOFFICIAL COMMUNICATION \*\***

**FACSIMILE TRANSMISSION TO THE PTO**

Assistant Commissioner for Patents  
Attn: Licensing and Review  
Washington, D.C. 20231

FAX NUMBER: (703) 306-4196  
Total Pages (including cover page): 15  
Time: (Central Time)  
(Transmission must be complete by  
midnight eastern time.)

Attached please find a copy of Petition for Retroactive Foreign Filing License, Declaration of Victoria A. Sandberg, postcard with USPTO date stamp, transmittal letter, and check, all of which were previously submitted to the U.S. Patent and Trademark Office, Attn: Licensing and Review, on April 25, 2001.

Please let us know the status of the Petition. Thank you.

Mueiting, Raasch & Gebhardt, P.A.  
Customer Number: 26813

16 November 2001  
Date

By: Victoria A. Sandberg  
Attorney: Victoria A. Sandberg  
Reg. No.: 41,287  
Direct Dial: (612)305-1226

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark A. Sheridan et al. Group Art Unit: 1651  
 Serial No.: 09/727,739 Examiner: Unknown  
 Confirmation No.: 4181 Docket No.: 255.0004 0101  
 Filed: December 1, 2000  
 Title: SOMATOSTATINS AND METHODS

Assistant Commissioner for Patents  
 Attn: Licensing and Review  
 Group 3640  
 Washington, D.C. 20231

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ Small entity status is entitled to be asserted in the above-identified application.  
☒ A return postcard.  
☐ A Petition for Extension of Time for \_\_\_ month (\_\_\_ pg.) and a check in the amount of \$\_\_\_ for the required fee.  
☐ An Information Disclosure Statement (\_\_\_ pgs); 1449 forms (\_\_\_ pgs); and copies of \_\_\_ documents cited on the 1449 forms.  
☒ Other: Petition for Retroactive Foreign Filing License (3 pgs.); Declaration of Victoria A. Sandberg Under 35 U.S.C. 184 in Accordance with 37 C.F.R. 85.25(a)(3) (3 pgs.); \$130 for Petition Fee; Exhibit A - Filing Receipt for Provisional Application Serial No. 60/168,934 (1 pg.) and Exhibit B - Filing Receipt for Application Serial No. 09/727,739 (4 pgs.)  
 Amendment ☐ No Additional fee is required. ☐ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$9 =	
Independent Claims				x \$40 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$135 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Attn: Licensing and Review, Group 3640, Washington, D.C. 20231, on this 25th day of April, 2001.

MUETING, RAASCH & GEBHARDT, P.A.  
 Customer Number: 26813

By: Victoria A. Sandberg  
 Name: Victoria A. Sandberg  
 Reg. No.: 41,287  
 Direct Dial: 612-305-1226  
 Facsimile: 612-305-1228

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.8)

*Chiles*

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant(s): Mark A. Sheridan et al.

Serial No.: 09/727,739

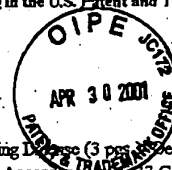
Confirmation No.: 4181

Filed: December 1, 2000

Title: SOMATOSTATINS AND METHODS

Enclosed: Petition for Retroactive Foreign Filing Date (3 pgs); Declaration of Victoria A. Sandberg Under 35 U.S.C. 184 in Accordance with 37 C.F.R. §5.25(a)(3) (3 pgs.); \$130 for Petition Fee; Exhibit A - Filing Receipt for Provisional Application Serial No. 60/168,934 (1 pg); Exhibit B - Filing Receipt for Application Serial No. 09/727,739 (4 pgs); and transmittal document (in triplicate).

Mailed: April 25, 2001  
Docket: 255.0004 0101



*Follow up  
8-25-01  
DV*

VAS/knh



MUETING, RAASCH & GEBHARDT, P.A.  
203 TEXTILE BUILDING  
219 NORTH 4TH STREET  
MINNEAPOLIS, MN 55401

MARQUETTE CAPITAL, L.P.  
MINNEAPOLIS, MN 55401  
17-575910

13203

4/24/2001

PAY TO THE ORDER OF COMMISSIONER OF PATENTS AND TRADEMARKS

\$ \*\*130.00

One Hundred Thirty and 00/100\*\*\*\*\*

DOLLARS  
Security features  
included.  
Details on back.

PATENT AND TRADEMARK OFFICE  
UNITED STATES DEPARTMENT OF COMMERCE  
COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON DC 20231

MEMO 255.00040101

⑈013203⑈ ⑆091005755⑆

182066725⑈

MUETING, RAASCH & GEBHARDT, P.A.

COMMISSIONER OF PATENTS AND TRADEMARKS  
PTO:122 Petition Fee

4/24/2001

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130.00

Marquette Business C 255.00040101

130.00

MUETING, RAASCH & GEBHARDT, P.A.

COMMISSIONER OF PATENTS AND TRADEMARKS  
PTO:122 Petition Fee

4/24/2001

13203

130.00

PAYMENT  
RECORD

Marquette Business C 255.00040101

130.00



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/727,739	12/01/2000	1651	395	255,0004 0101(parent 60/1	8	15	4

CONFIRMATION NO. 4181

26813  
MUETING, RAASCH & GEBHARDT, P.A.  
P.O. BOX 581415  
MINNEAPOLIS, MN 55401

## FILING RECEIPT



"0000000005701850"

3/1/01 IDS

Date Mailed: 01/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt Incorporating the requested corrections (if appropriate).

## Applicant(s)

Mark A. Sheridan, Residence Not Provided;

## Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/168,934 12/03/1999

## Foreign Applications

If Required, Foreign Filing License Granted 01/19/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Somatostatins and methods

Exhibit B

RECEIVED  
JAN 29 2001  
MUETING AND RAASCH

Preliminary Class

435

Data entry by : GEBRESILASSIE, FREWOINI T am : OIPE

Date: 01/24/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 38 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sheridan et al. ) Group Art Unit: 1651  
Serial No.: 09/727,739 ) Examiner: Unknown  
Filed: December 1, 2000 ) Confirmation No.: 4181  
For: SOMATOSTATINS AND METHODS

PETITION FOR RETROACTIVE FOREIGN FILING LICENSE

Commissioner of Patents and Trademarks  
Attn: Licensing and Review  
Group 3640  
Washington, DC 20231

Dear Sir:

Petition is hereby made for a retroactive foreign filing license under 35 U.S.C. §184 and 37 C.F.R. §5.14. Applicants have also provided herewith the Declaration of Victoria A. Sandberg under 37 C.F.R. §5.25(a)(3).

The following Canadian patent application was filed on December 1, 2001.

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Applicant(s): Mark A. Sheridan  
Jeffrey D. Kittelson  
Craig A. Moore  
Serial No.: 2,325,169 (Canada)  
Filed: December 1, 2000  
For: SOMATOSTATINS AND METHODS

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U.S. Applications concerning the subject matter with respect to which this retroactive license is requested are identified as follows:

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Applicant(s):	Mark A. Sheridan Jeffrey D. Kittelson Craig A. Moore	Group Art Unit:	Not Assigned
Serial No.:	60/168,934 (United States)	Examiner:	Not Assigned
Filed:	December 3, 1999		
For:	NOVEL SOMATOSTATINS AND METHODS		
	Foreign Filing License granted December 28, 1999.		

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Applicant(s):	Mark A. Sheridan Jeffrey D. Kittelson Craig A. Moore	Group Art Unit:	1651
Serial No.:	09/727,739 (United States)	Examiner:	Not Assigned
Filed:	December 1, 2000		
For:	SOMATOSTATINS AND METHODS		
	Foreign Filing License granted January 19, 2001.		

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Applicants submit that the priority document (United States Patent Application Serial No. 60/168,934 ) was granted a foreign filing license on December 28, 1999, and that any additional material included in the Canadian application did not alter the general nature of the invention described in the priority document, pursuant to 37 C.F.R. §5.15. Applicants further submit that the corresponding U.S. utility application (United States Patent Application Serial No. 09/727,739), which is essentially identical to the Canadian application, was granted a foreign filing license on January 19, 2001.

Applicants believe that the material disclosed in the Canadian application is within the scope of the foreign filing license granted December 28, 1999, in connection with the priority document (United States Patent Application Serial No. 06/168,934). Thus, this request for Foreign Filing License is submitted as a precautionary measure.

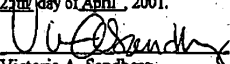
It is submitted that, if and to the extent the Canadian application contains subject matter that is not within the scope of the foreign filing license granted on December 28, 1999, in United

*Petition For Retroactive Foreign Filing License*  
*Applicant(s): SHERIDAN et al.*  
*Serial No.: 09/727,739*  
*Filed: December 1, 2000*  
*For: SOMATOSTATINS AND METHODS*

Page 3

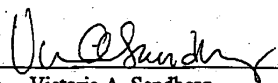
States Patent Application Serial No. 60/168,934, the Canadian application was filed abroad through error and without deceptive intent. It is further submitted that the application does not disclose an invention within the scope of 35 U.S.C. §181.

Applicants have included the fee of \$130 under 37 C.F.R. 1.17(h). Please charge any additional fees or credit any overpayment to Deposit Account No. 13-4895.

<b>CERTIFICATE UNDER 37 C.F.R. 1.8:</b>
The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, ATTN: Licensing and Review, Group 3640, Washington, D.C. 20231, on this <u>25<sup>th</sup></u> day of <u>April</u> , 2001.
 Victoria A. Sandberg

Respectfully submitted,  
SHERIDAN et al.  
By their Representatives,  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612)305-1220  
Facsimile: (612)305-1228  
Customer Number 26813

25 April 2001  
Date

By:   
Victoria A. Sandberg  
Reg. No. 41,287  
Direct Dial (612)305-1226

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Sheridan et al.	)	Group Art Unit:	1651
		)		
Serial No.:	09/727,739	)	Examiner:	Unknown
		)		
Filed:	December 1, 2000	)	Confirmation No.:	4181
		)		
For:	SOMATOSTATINS AND METHODS			

DECLARATION OF VICTORIA A. SANDBERG UNDER 35 U.S.C. 184  
IN ACCORDANCE WITH 37 C.F.R. §5.25(a)(3)

Commissioner of Patents and Trademarks  
Attn: Licensing and Review  
Group 3640  
Washington, DC 20231

Dear Sir:

I, Victoria A. Sandberg, declare and say as follows:

1. This Declaration is made in support of the Petition for Retroactive Foreign Filing License in the above-captioned matter under 35 U.S.C. §184 and 37 C.F.R. §§5.14 and 5.25 (a)(3), concerning subject matter disclosed in Canadian Patent Application Serial No. CA 2,325,169, filed December 1, 2000.
2. The above-captioned patent application is a nonprovisional U.S. application that claims the benefit of U.S. Provisional Application Serial No. 60/168, 934, filed December 3, 1999.
3. The above-captioned patent application is identical in all material respects to the Canadian Patent Application Serial No. CA 2,325,169, filed December 1, 2000.

**Declaration****Applicant(s): SHERIDAN et al.****Serial No.: 09/727,739****Filed: December 1, 2000****For: SOMATOSTATINS AND METHODS**

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4. A foreign filing license was granted in U.S. Provisional Application Serial No. 60/168,934 on December 28, 1999 (copy attached as Exhibit A).
5. A foreign filing license was granted in the above-captioned patent application on January 19, 2001 (copy attached as Exhibit B).
6. The subject matter described in Canadian Patent Application CA 2,325,169, was not under a secrecy order at the time it was filed (December 1, 2000), and it is not currently under a secrecy order.
7. It is my belief that any new material included in the Canadian application does not alter the general nature of the invention described in the priority document, U.S. Provisional Application Serial No. 60/168,934, with respect to which a foreign filing license was granted on December 28, 1999.
8. Although I believe that the foreign filing license granted in the priority document encompasses the subject matter described in the Canadian patent application, I submit that upon reviewing the file in March 2001, and noting that a foreign filing license specifically directed to the added material was not obtained prior to filing the Canadian application, this petition for a retroactive foreign filing license was diligently sought as a precautionary measure.
9. If and to the extent a separate foreign filing license on the added subject matter is determined to be necessary, the Canadian patent application was filed through error and without deceptive intent due to the short amount of time between Applicants' decision to file a patent application in Canada and the Paris Convention date.

**Declaration**Applicant(s): **SHERIDAN et al.**Serial No.: **09/727,739**Filed: **December 1, 2000**For: **SOMATOSTATINS AND METHODS**

10. Pursuant to Applicants' instructions, we opened a file for the Canadian patent application on November 30, 2000, just four days prior to the Paris Convention date of December 3, 2000. Application drafting was not complete until just two days in advance of the Paris Convention date.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, ATTN: Licensing and Review, Group 3640, Washington, D.C. 20231, on this 25th day of April, 2001.

Victoria A. Sandberg  
Victoria A. Sandberg

Respectfully submitted,  
SHERIDAN et al.  
By their Representatives,  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Phone: (612)305-1220  
Facsimile: (612)305-1228  
Customer Number 26813

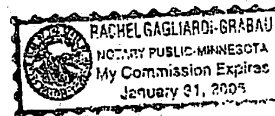
25 April 2001  
Date

Date

VAS/kah

By: Victoria A. Sandberg  
Victoria A. Sandberg  
Reg. No. 41,287  
Direct Dial (612)305-1226

STATE OF Minnesota )  
 ) ss.  
COUNTY OF Hennepin )



On this 25 day of April, 2001 before me personally appeared Victoria A. Sandberg  
to me known to be the person described in and who executed the foregoing instrument, and he/she executed the same for the uses and purposes therein set forth.

Rachel Gagliardi-Grabau  
Notary Public

PTO-103P  
(Rev. 8-99)

PROVISIONAL APPLICATION  
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
60/168,934	12/03/99		\$75.00	255.00040160	0		

ATTN VICTORIA A SANDBERG  
MUETING RAASCH & GEBHARDT PA  
P O BOX 581415  
MINNEAPOLIS MN 55458-1415

6 mo re 6/3/00 8 mo ff 8/3/00  
9 mo 9/3/00 10 mo ff 10/3/00  
11 mo 11/3/00 11 mo ff 11/3/00  
Conv 12/3/00 Conv 12/3/00

Receipt is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Intellectual Patent Examination's Customer Service Center. Please provide a copy of this Provisional Application Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate). This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

Applicant(s) MARK A. SHERIDAN, FARGO, ND; JEFFREY D. KITTILSON,  
FARGO, ND.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 12/28/99 \*\* SMALL ENTITY \*\*  
TITLE  
NOVEL SOMATOSTATINS AND METHODS

Exhibit A

RECEIVED

JAN 03 2000

MUETING AND RAASCH

DATA ENTRY BY: NHU THUY TRAN

TEAM: 05 DATE: 12/28/99

\*\*\*\*\*

(See reverse for new important information)